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REMARKS

Specification. In the Non-Final Office Action, Examiner Bruckart objected to the disclosure because of a lack of a serial number for a related art. The Applicant has amended the specification herein to obviate this objection to the specification. No new matter was introduced by the amendment of the specification. Withdrawal of the objection to the specification is therefore respectfully requested.

Claims. In the Non-Final Office Action, Examiner Bruckart rejected claims 1-4 and 6-29 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,006,264 to *Colby* et al., and claim 5 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,006,264 to *Colby* et al. in view of 5,933,425 to *Iwata*. The Applicant responds to these rejections as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 C.F.R. §1.112:

As to the anticipation rejection, the Applicant has thoroughly considered Examiner Bruckart's remarks concerning the patentability of claims 1-4 and 6-29 over *Colby*. The Applicant has also thoroughly read *Colby*. To warrant this anticipation rejection of claims 1-4 and 6-29, *Colby* must show each and every limitation of independent claims 1, 21 and 26 in as complete detail as is contained in independent claims 1, 21 and 26. See, MPEP §2131. The Applicant respectfully traverses this anticipation rejection of claims 1-4 and 6-29, because *Colby* fails, among other things, to teach or suggest the following limitations of independent claims 1, 21 and 26:

1. “labeling each of the packets with a label as a function of the incremental utility” and “processing each of the packets based on the label” as recited independent claim 1;

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2. "means for labeling each of the packets with a label as a function of the incremental utility" and "means for processing each of the packets based on the label" as recited independent claim 21; and
3. "labeling each of the packets with a label as a function of the incremental utility" as recited independent claim 26.

Specifically, as illustrated in FIGS. 1c, 2 and 3, *Colby* discloses a method for servicing a content request from a client where the content of the packet is used by a content-aware flow switch 110 to determine a web server among web servers 100a-110c available to service the content request, and if such a web server is available (step 412), then switch 110 performs a network address translation (step 416), connects to the appropriate web server (step 426) and passes the content request to the connected web server (step 428). See, *Colby* at column 5, line 43 to column 8, line 55. A careful review of *Colby* reveals the fact that *Colby* fails to teach or suggest any labeling of the content request by the switch 110 for purposes of processing the content request based on the label during the execution of the method illustrated in FIG. 3. Withdrawal of the rejection of independent claims 1, 21 and 26 under 35 USC §102(e) as being anticipated by *Colby* is therefore respectfully requested.

Claims 2-4 and 6-20 depend from independent claim 1. Therefore, dependent claims 2-4 and 6-20 include all of the elements of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2-4 and 6-20 are allowable over *Colby* for at least the same reasons as set forth with respect to independent claim 1 being allowable over *Colby*. Therefore, withdrawal of the rejection of dependent claims 2-4 and 6-20 under 35 USC §102(e) as being anticipated by *Colby* is therefore respectfully requested.

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Claim 5 depends from independent claim 1. Therefore, dependent claim 5 includes all of the elements of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claim 5 is allowable over *Colby* in view of *Iwara* for at least the same reasons as set forth with respect to independent claim 1 being allowable over *Colby*. Therefore, withdrawal of the rejection of dependent claim 5 under 35 USC §103(a) as being unpatentable over *Colby* in view of *Iwara* is therefore respectfully requested.

Claims 22-25 depend from independent claim 21. Therefore, dependent claims 22-25 include all of the elements of independent claim 21. It is therefore respectfully submitted by the Applicant that dependent claims 22-25 are allowable over *Colby* for at least the same reasons as set forth with respect to independent claim 21 being allowable over *Colby*. Therefore, withdrawal of the rejection of dependent claims 22-25 under 35 USC §102(e) as being anticipated by *Colby* is therefore respectfully requested.

Claims 27-29 depend from independent claim 26. Therefore, dependent claims 27-29 include all of the elements of independent claim 26. It is therefore respectfully submitted by the Applicant that dependent claims 27-29 are allowable over *Colby* for at least the same reasons as set forth with respect to independent claim 26 being allowable over *Colby*. Therefore, withdrawal of the rejection of dependent claims 27-29 under 35 USC §102(e) as being anticipated by *Colby* is therefore respectfully requested.

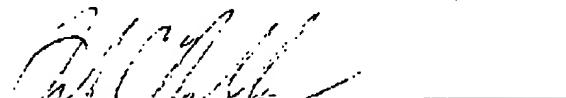
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SUMMARY

Examiner Bruckart's rejection of 1-29 has been obviated herein by the remarks supporting an allowance of claims 1-29 over *Colby*. The Applicant respectfully submits that pending claims 1-29 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Bruckart is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: February 2, 2005

Respectfully submitted,
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